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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 February 1994]

Situation of human rights in El Salvador

1. The International Federation of Human Rights (IFHR) and its affiliate, the Commission of Human Rights of El Salvador (CDHES), consider that hopes for progress in the field of human rights as a result of the implementation of the Peace Agreements have not been satisfactorily fulfilled. Important agreements have not been complied with, and the existence of the death squads and the persistence of means of ensuring impunity have again been confirmed. The truth regarding the State's involvement in serious human rights violations has been revealed, but the recommendations made with a view to ensuring that such violations do not recur in the future have not been acted upon, and the concept of "reconciliation" has been used by the Government as the justification for the State to extend a new form of "pardon and oblivion" to its agents.

2. Among human rights violations in 1993, violations of the right to life predominated. Statistics reflect the high degree of insecurity experienced by the Salvadorian people, while the country's leading newspapers reported 698 violent deaths between January and October, 27 per cent of them murders accompanied by robbery, while in 5 per cent of the cases the motive was personal and in 61 per cent the motive could not be ascertained. The United Nations Observer Mission in El Salvador (ONUSAL) reported 1,125 murders in the period January-September 1993, an average of 125 per month, or more than 4 murders every day.

3. The CDHES received reports of 30 cases of arbitrary execution, involving a total of 50 victims. The National Police have been held responsible for seven of these cases, and members or former members of the armed forces for three of them. In two cases the perpetrators were identified as death squads, while 17 incidents were attributed to "unidentified persons" who, in certain cases, were wearing military uniforms. In five cases, although those responsible were civilians, a political motive or the involvement of the State has not yet been ruled out.

4. Other incidents reported revealed the excessive violence characterizing the activities of the death squads during the 1980s. The victims' bodies bore the marks of torture: upper limbs were amputated, fingers mutilated, and the corpses decapitated or burned by chemical agents. In at least one case the victim was dragged from his home, tied to the trunk of a tree and seated on a grenade which was then detonated.

5. With regard to disappearances, an average of three to five reports of disappearances were received each month, although in the majority of cases the precise circumstances of the disappearance were not known. By the end of the year, none of those cases had been classified as an enforced disappearance, but in general they served to emphasize the ineffectiveness of police inquiries in ascertaining the whereabouts of persons who have disappeared.

6. Of special concern was the fact that the thousands of cases of disappearance recorded in previous years had still not been cleared up, and that the National Police continued to deny holding persons as detainees. This situation was exacerbated by the shortcomings of the Department of Information on Detained Persons, which did not have full and up-to-date information. Only the intervention of non-governmental organizations and of ONUSAL has prevented this type of "temporary disappearance" of detained persons from becoming standard practice throughout the country.

7. With regard to the right to integrity and security of the person, the CDHES received 27 reports of death threats, involving at least 42 individual victims. The total number of victims could not be specified, as some of the threats involved entire communities, and also members of a cooperative. In the last months of the year, there were at least 14 verified cases of death threats where there were indications or evidence of a possible political motive, either because of the condition of the victim, the methods used, or the material circumstances of the violation.

8. In five cases of threats documented by the CDHES, death squads had claimed responsibility, in another five cases members of the National Police were blamed, while in four other cases those responsible were former national guards, former members of civilian defence forces and former soldiers.

9. Violation of the right to personal liberty was evident in the persistence of unlawful detention. The CDHES received some 250 reports referring to detention of persons; it received a total of 54 allegations of violations of the right to personal liberty, and in 39 of those cases it was able to confirm the unlawful or arbitrary nature of the detention. These figures do not, however, give a true picture of the nature or scale of the phenomenon, since in most cases, as has been shown by other institutions such as ONUSAL, the public did not report the arbitrary detentions, either through lack of confidence in the efficiency of the administration of justice, or for fear of reprisals.

10. A severe blow was dealt to the right to justice and due process with the adoption on 20 March of the general amnesty law for the consolidation of peace, enacted within five days of publication of the report of the Commission on the Truth, in a clear demonstration of rejection of the recommendations of that body. The result was a human rights amnesty, extended to those who had committed offences in the context of their military, political or even judicial activities. A request by the CDHES to have this law declared unconstitutional was held inadmissible by the competent organ of the Supreme Court of Justice.

11. To the legal denial - implicit in the Amnesty Law - of the right to justice and compensation for the crimes of the State must be added the political denial by the Government of its obligation to comply with the recommendations of the report of the Commission on the Truth. Thus, throughout the year, impunity was the response to the public's expectations of protection of its rights and punishment of those infringing them; the Salvadorian State definitively cancelled its obligation to investigate serious violations of human rights and to punish those responsible.

12. In addition to politically motivated actions prejudicial to the legitimate exercise of certain rights, the Supreme Electoral Tribunal was itself responsible for the insecurity that results from inability to vote in the next political elections, by reason of its failure to guarantee registration of the entire electorate. The register was reportedly closed in January 1994, and to judge from trends in the registration of new voters, large numbers - estimated by some non-governmental organizations at some 700,000 persons - would be prevented from exercising their right to vote and stand for election. Their failure to participate could jeopardize the political stability achieved through the Peace Agreements.

13. The socio-economic situation of Salvadorians is a further fact or likely to jeopardize the fragile political balance. Poverty now affects 60 per cent of Salvadorians. Up to 34 per cent of them are living in conditions of extreme poverty. Forty-eight per cent of the population is critically undernourished; out of every thousand live births, 50 children die before the age of one year and more than 50 per cent of those dying are children under the age of five years, most of them as a result of preventable and curable

diseases. Fewer than 60 per cent of the economically active population have a job, the purchasing power of wages has fallen by 7 per cent, and basic food bills rose by 19 per cent in 1993. The illiteracy rate was 64 per cent, and only 56 per cent of the population had access to health services. As regards housing, there was a shortfall of 480,000 housing units.

14. Regarding the Peace Agreements, the end of 1993 saw the creation of a special team to investigate the existence of death squads. However, the purging of eight army officers whose removal had been proposed by an Ad Hoc Commission had not yet taken place. The various bodies of the judiciary continued to be a source of violations of human rights relating to justice and due process. Owing to financial constraints and theoretical shortages, the Office of the National Counsel for the Defence of Human Rights did nothing in the course of the year to change conditions that have favoured human rights violations.

15. In conclusion, the IFHR and the CDHES urge the Commission to consider this situation under item 12 of its agenda and to appoint a special rapporteur to report to the Commission at its fifty-first session, under agenda item 12, on the situation of human rights in El Salvador.